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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,649	02/24/2004	Stefan Hiesener	4640	2988
21553	7590	01/13/2005	EXAMINER	
FASSE PATENT ATTORNEYS, P.A. P.O. BOX 726 HAMPDEN, ME 04444-0726			SEMUNEGUS, LULIT	
			ART UNIT	PAPER NUMBER
			3641	

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/786,649		HIESENER, STEFAN	
	Examiner		Art Unit	
	Lulit Semunegus		3641	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/24/2004</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6, 15 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Muin et al (6,776,457).

In regards to claims 1, 4, 15 and 16, Muin et al teach an improved seating arrangement wherein said row of passenger seats along which said transverse aisle extends is a row of foldable passenger seats that each comprise a seat back and a tiltable seat bottom which tiltable relative to said seat back between a normal seating position and an upright stowed position (col. 1, lines 54-57), wherein said row of foldable passenger seats is arranged with said tiltable seat bottoms thereof bordering on and facing toward said transverse aisle (fig. 5a), and wherein a width of said transverse aisle bounded by said row of foldable passenger seats in said longitudinal direction is variable with a relatively larger width when said tiltable seat bottoms are respectively tilted to said upright stowed position and a relatively smaller width when

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said tiltable seat bottoms are respectively tilted to said normal seating position (col. 1, lines 58-65).

In regards to claims 2 and 3, Muin et al further teach a tiltable armrest (col. 2, lines 48-53).

In regards to claims 5 and 6, Muin et al teach the seats are automatically tiltable from said normal seating position to said upright stowed position (col. 2, lines 13-19).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7-14 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muin et al (6,776,457) in view of Fox (4,517,797). Muin et al are not specific which seats in the aircraft are foldable. Fox teaches seats next to an emergency exit (fig. 1) where the seats move out of the way in case of an emergency (col. 1, lines 63-68). At the time of the invention, it would have been obvious to one ordinarily skilled in the art to have the seat of Muin et al be next to the emergency exit or non-emergency normal use exit as taught in Fox since any seat in Muin et al aircraft would be able to be folded. Furthermore, Muin et al inherently teach that the transverse aisle will be wider when the seat is up and equal to the regulatory aisle width when the seat is down and the seat spacing correspond to prescribed seat pitch since it is well known that an aircraft seat has to be equal to a regulatory prescribed minimum aisle width requirement

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and standard prescribed seat pitch to fly according to standard regulation set by FAA or other regulators.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Davis (2,947,350) teaches a seat in an upright stowed position and normal seating position (figs. 1, 2).
- Ryan et al (4,679,749) teach passenger transport aircraft having a seat arrangement with an upright stowed and normal seating position (fig. 1).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lulit Semunegus whose telephone number is (703) 306-5960. The examiner can normally be reached on Mon-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on (703) 306-4198. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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1/5/05

Lulit Semunegus

Examiner

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MICHAEL J. CARONE
SUPERVISORY PATENT EXAMINER